

1 IN THE UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF MICHIGAN

3 UNITED STATES OF AMERICA ) Bay City, Michigan  
4 vs. ) April 28, 2021  
5 JUSTIN WILLIAM ZUBE, ) 4:00 p.m.  
6 Defendant. )  
7 )  
8 ) Case No. 20-20491

9  
10 TRANSCRIPT OF MOTION  
11 BEFORE THE HONORABLE THOMAS L. LUDINGTON  
12 UNITED STATES DISTRICT JUDGE

13 APPEARANCES:

14 For the Government: ANCA I. POP  
15 United States Attorney  
16 Eastern District of Michigan  
17 101 First Street  
18 Suite 200  
19 Bay City, MI 48708

20 For the Defendant: EBONY L. ELLIS  
21 Law Offices of Alan Crawford, PLLC  
22 120 N. Michigan Avenue; Suite 303  
23 Saginaw, MI 48602

24 Court Reporter: Carol M. Harrison, RMR, FCRR  
25 1000 Washington Avenue  
26 Bay City, MI 48708

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28 Proceedings reported by stenotype reporter.  
29 Transcript produced by Computer-Aided Transcription.

## PROCEEDINGS

(At 4:00 p.m., proceedings commenced.)

(Defendant present.)

4 THE CLERK: United States of America versus Justin  
5 Zube, Case No. 20-20491.

6 THE COURT: Good afternoon, counsel. If we could  
7 have your appearances, please.

8 MS. POP: Good afternoon, Your Honor. Anca Pop on  
9 behalf of the United States.

10 | THE COURT: Ma'am.

11 MS. ELLIS: Good afternoon, Your Honor. Ebony Ellis  
12 on behalf of Mr. Zube. He is present appearing by Zoom from  
13 the Midland County jail.

14 MS. ELLIS: Good afternoon, Ms. Ellis. And good  
15 afternoon, Mr. Zube.

16 Your motion, Ms. Ellis.

17 MS. ELLIS: Yes, Your Honor. I did file a motion to  
18 withdraw in this matter. I would rely primarily on the  
19 arguments contained in the motion. However, I would like the  
20 Court to know that Mr. Zube and I have had a pretty decent  
21 attorney/client relationship up until this point. There has  
22 recently been a breakdown in the relationship because Mr. Zube  
23 and I have a disagreement on the merits of a motion that he  
24 would like me to file.

25 Mr. Zube has insisted that I file a motion contesting

1 the Court's jurisdiction over him in this matter, and I've  
2 explained to him that I believe that it is my opinion that the  
3 Court's jurisdiction is proper. I explained to him the basis  
4 of the Court's jurisdiction, and I explained to him that I  
5 would not be filing a motion again because I believe that it is  
6 frivolous.

7                   Mr. Zube disagrees with my position. He has  
8 described himself as a quote unquote sovereign entity who is  
9 not subject to the Court's authority or prosecution by the  
10 Government. With that being said, Judge, we are clearly at an  
11 impasse. I don't believe that Mr. Zube believes that he can  
12 make any decision about his case unless and until that issue is  
13 raised to this Court and addressed by this Court, and that's  
14 why we're here, Judge.

15                  THE COURT: Well, if we were to relieve you from  
16 service to Mr. Zube, and we were to appoint new counsel, they'd  
17 be just in the same position that you're in?

18                  MS. ELLIS: And I expressed this with Mr. Zube as  
19 well.

20                  THE COURT: Well, Mr. Zube, what do you think?

21                  THE DEFENDANT: It's not the issue of being  
22 represented. It's the fact that I don't believe I'm the proper  
23 being that is being charged on the charging documents, as it is  
24 the all capitals ens legis that is on the birth certificate not  
25 myself.

1                   THE COURT: I'm sorry, sir. I'm having difficulty  
2 understanding you. Can you understand him, Ms. Harrison?

3                   THE COURT REPORTER: No, I need him to repeat that,  
4 too.

5                   THE COURT: Thank you.

6                   THE DEFENDANT: It is not the issue of being  
7 represented. It is the issue that I do not believe I'm the  
8 proper being being charged in these documents.

9                   THE COURT: I guess I don't understand, sir.

10                  THE DEFENDANT: The case is against the all capital  
11 letter name, Justin William Zube, all capital letters. I do  
12 not believe I am that being. I believe that is a corporation  
13 associated with the birth certificate.

14                  THE COURT: You believe it's a corporation?

15                  THE DEFENDANT: Yes.

16                  THE COURT: Why do you believe that?

17                  THE DEFENDANT: Because the Government uses the birth  
18 certificate as an instrument of commerce. It's associated with  
19 social security number and birth certificate, and I do not use  
20 that. I do not go by that name. That is not me. That is the  
21 ens legis or any sovrans (ph) a name that sounds similar.

22                  THE COURT: Well, who do you think the Government  
23 erroneously identified?

24                  THE DEFENDANT: I believe that within this case the  
25 Government wants me to be the surety for the ens legis as it

1 does business with other corporations. Justin William Zube in  
2 the all capital form is a corporation.

3 THE COURT: And who you are?

4 THE DEFENDANT: I'm not that full name. I only go by  
5 Justin or son or brother or father. I don't have a domicile.  
6 I'm not part of the corporate United States. I do not believe  
7 I have any business with the courts.

8 THE COURT: Do you have any -- do you have a name?

9 THE DEFENDANT: Just Justin.

10 THE COURT: I'm sorry?

11 THE DEFENDANT: Just Justin.

12 THE COURT: Jethro?

13 THE DEFENDANT: Just Justin.

14 THE COURT: And was this a name your mother gave you  
15 or was it a name you gave yourself?

16 THE DEFENDANT: It is a name my father -- or family  
17 refers to me as.

18 THE COURT: Where did they obtain it?

19 THE DEFENDANT: They created it. But the Government  
20 took the full name and created a corporation.

21 THE COURT: Okay. Why do you believe the Government  
22 has no ability to prosecute you?

23 THE DEFENDANT: I believe they do if I stand in as a  
24 surety, but I do not choose to do that.

25 THE COURT: You wish to have Ms. Ellis advance a

1 request for dismissal based on what grounds?

2 THE DEFENDANT: I'm not sure what that means, Your  
3 Honor. Could you explain? I'm just --

4 THE COURT: Why would you like the indictment  
5 dismissed? Why do you think it should be?

6 THE DEFENDANT: Because it's not against me; it's  
7 against the corporation.

8 THE COURT: Well, I must suggest to you, after having  
9 heard your explanation, that I agree with your attorney that  
10 she's not in a position to advance that argument given her  
11 ethical obligation to the Court. Do you understand that?

12 THE DEFENDANT: Yes, I do. But I'd also like the  
13 Court to know, I'm not very well versed in verbally explaining  
14 these things, but I believe what I've written is a better  
15 explanation.

16 THE COURT: Do you have the written explanation there  
17 with you?

18 THE DEFENDANT: Yes. I just wasn't allowed to get it  
19 to you because of our conflict. The plan was to have it there  
20 for you today?

21 THE COURT: Is it very long?

22 THE DEFENDANT: Roughly six pages for the two items.

23 THE COURT: Okay. Could you read a page of it to us,  
24 please.

25 THE DEFENDANT: Yes. The first part is the affidavit

1 I've written, and the second part is the conditional acceptance  
2 for value in the nature of discovery. I don't know if you  
3 would prefer I start with either or.

4 THE COURT: What was the second one, sir?

5 THE DEFENDANT: The first one is the affidavit, it's  
6 a list of facts, and the second one is the motion -- I don't  
7 know if motion is the correct word, but is the challenge to  
8 jurisdiction itself.

9 THE COURT: Let's do the second.

10 THE DEFENDANT: Okay. Give me one second.

11 It is labeled the conditional acceptance for value,  
12 proof of claim, private administrative remedy, People versus  
13 Zube and Case No. 20-CR-20491.

14 It is labeled or listed to the prosecutor. Dear  
15 prosecutor, I'm in receipt of the indictment issued or  
16 emanating from the Federal District Court, Eastern District,  
17 Sixth of -- dated October 7th, 2020. I will agree to perform  
18 to the terms and penalties opposed upon your proofs of claim.

19 However, to exhaust my private administrative remedy,  
20 I need to know what the assessment of the alleged charges are  
21 and to seek proofs of claim in the nature of discovery from you  
22 or your office in respect to the above case or charging  
23 instrument, that the prosecution was lawful, proper and  
24 constitutional so that I can determine that you and others  
25 within your venue have not committed a constitutional

1 impermissible application of the statute or law in this matter,  
2 as I want to resolve this matter as soon as possible as out of  
3 necessity that I can only do so conditioned upon your proofs of  
4 claim as set forth below, to wit, and then I have the claims  
5 beneath that.

6                   Keep going?

7                   THE COURT: Please.

8                   THE DEFENDANT: The first one: The United States --  
9 to clarify, these are written as the prosecutor was saying them  
10 to be true, and I'm asking for proof of these things. The  
11 United States and Michigan Constitution do operate upon the  
12 undersigned, a natural, living, breathing, flesh and blood  
13 sovereign private man.

14                   No. 2, the undersigned as a natural private man is a  
15 party to the state and federal constitution by all pled  
16 contract -- I'm sorry -- pledge, contact or signature.

17                   No. 3, the undersigned is a party to the contract or  
18 agreement with the corporate United States of America and the  
19 state of Michigan, both in all capital letters, including their  
20 courts and subsidiary corporations.

21                   No. 4, that the state, in all capital letters, and  
22 federal, in all capital letters, statutes do operate upon the  
23 undersigned.

24                   No. 5, the undersigned is a resident of the corporate  
25 United States of America, in all capital letters, and the state

1 of Michigan, in all capital letters, and the District of  
2 Columbia, in all capital letters.

3 No. 6, the state and federal courts, in all capital  
4 letters, can't force the undersigned to consent to and  
5 participate in any hearing against his will and rights.

6 No. 7, the prosecutor in the above-referenced case  
7 did not make the undersigned liable quasi ex-contract due for  
8 any benefit compelled or forced upon him.

9 No. 8, the name appearing on the charging instrument,  
10 in all capital letters, Justin William Zube, is not a corporate  
11 fiction ens legis, and is -- I'm sorry, slash ens legis and is  
12 actually the name of the private natural man in his private  
13 capacity.

14 No. 9, that the United States of America and state of  
15 Michigan, in all capital letters, by becoming corporations did  
16 not lay down their sovereignty and take on the character of a  
17 private citizen, and that they can exercise power which is not  
18 derived from the corporate charter. Contrary to *Bank of US vs.*  
19 *Planters' Bank of Georgia*, 22 US 904, 1824.

20 THE COURT: Mr. Zube, I've heard enough. The -- your  
21 request of your attorney is not something that she can pursue.  
22 Your line of argument is, in fact, frivolous and will go  
23 nowhere.

24 Even if we were to relieve her of responsibility and  
25 you were to make the same demand on another attorney, they

1 would have to give you the very same response, which is they  
2 can't advance that line of argument.

3 THE DEFENDANT: I do not understand what is  
4 frivolous, Your Honor.

5 THE COURT: Your line of argument is frivolous. The  
6 Court has jurisdiction to pursue the indictment that has been  
7 brought against you by the Government, and you have a decision  
8 to make because at this juncture, I don't have a reason to  
9 relieve Ms. Ellis of responsibility because any attorney that  
10 we would otherwise appoint would not be able to advance your  
11 line of argument. And, in fact, I would caution you, you're  
12 interfering with their ability to do the best they can in  
13 representing you by interfering by advancing a line of argument  
14 that they have told you that they cannot pursue.

15 Do you think that I should relieve Ms. Ellis of  
16 responsibility for representing you with the understanding that  
17 I don't have a justification to appoint another attorney?

18 THE DEFENDANT: I do not wish to be represented or to  
19 represent ens legis at all.

20 THE COURT: Well, I need to caution you that that is  
21 not a good decision. Do you understand the charges that have  
22 been brought against you, and --

23 THE DEFENDANT: No, I do not.

24 THE COURT: -- understand the potential implications  
25 for sentencing in the event that you were to be convicted?

1                   THE DEFENDANT: I do not, and I do not understand the  
2 nature of it either.

3                   THE COURT: Do you have any background with respect  
4 to federal criminal law or procedure?

5                   THE DEFENDANT: I don't understand how I'm  
6 jurisdictionally obliged under statutory law.

7                   THE COURT: If that is the case, then why would you  
8 want to represent yourself?

9                   THE DEFENDANT: I don't wish to represent myself. I  
10 don't wish to be represented at all. I'm completely fine with  
11 an attorney representing the ens legis. I do not believe I am  
12 the ens legis.

13                  THE COURT: I don't even know what that term is, sir?

14                  THE DEFENDANT: A creature of the law. A legal  
15 fiction would be another way to say it, a fictional person.

16                  THE COURT: I have done the best I can to caution you  
17 against proceeding without counsel. I don't have any  
18 justification for appointing a new attorney under circumstances  
19 where their line of argument can't be advanced. If you choose  
20 to proceed without counsel, it's your decision, fully  
21 understanding the potential consequences and the fact that I've  
22 cautioned you against it. Do you understand?

23                  THE DEFENDANT: I do not wish to represent myself. I  
24 do not understand the jurisdiction imposed by this Court. That  
25 is the basis for my paper, which you're saying is frivolous, so

1 I don't understand how to get an answer or proof of how the  
2 Court has jurisdiction. Once it's challenged, my understanding  
3 is it has to be proven; cannot be assumed.

4 THE COURT: We disagree, Mr. Zube.

5 Ms. Pop, anything that you'd like to offer?

6 MS. POP: No, Your Honor. We agree with the Court  
7 and with the defense counsel that his arguments are frivolous,  
8 that the Court has jurisdiction, that he has been lawfully  
9 indicted here and that he is facing quite a bit of time in  
10 prison, that he does not have the knowledge, the education to  
11 represent himself and that he should continue to be represented  
12 by counsel.

13 THE COURT: I see no way that Ms. Ellis can proceed,  
14 given the demands that Mr. Zube has advanced. I agree that she  
15 should be relieved of responsibility for representing Mr. Zube,  
16 and he will proceed without the benefit of counsel. We've done  
17 the best we can to caution him against the importance of using  
18 counsel and listening to counsel.

19 Your motion is granted, Ms. Ellis, and the record's  
20 closed. Thank you.

21 MS. ELLIS: Thank you, Your Honor.

22 THE DEFENDANT: So how do I get some type of answer  
23 to tell me what is frivolous in my motion?

24 THE COURT: Ask your lawyer. The one that you just  
25 terminated, already gave you the response to that, Mr. Zube.

1                   THE DEFENDANT: All she said was she believes it's  
2 frivolous, but she won't tell me what's frivolous in it.

3                   THE COURT: She has. She's explained it here.

4                   THE DEFENDANT: That's the issue. I've gotten no  
5 explanation.

6                   THE COURT: The hearing is concluded.

7                   (At 4:17 p.m., court recessed.)

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C E R T I F I C A T E

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I certify that the foregoing is a correct transcript  
from the proceedings in the above-entitled matter.

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19

*Carol M. Harrison*

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Date: 11-14-2022

Carol M. Harrison, RMR, FCRR  
Official Court Reporter  
United States District Court  
Eastern District of Michigan  
1000 Washington Avenue  
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